

FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463.

J. Brian Murphy, Treasurer Democratic State Committee Delaware P.O. Box 2065 Wilmington, DE 19899

APR ! 8 2001

Identification Number:

C00211763

Reference:

30 Day Post-General Report (10/19/00-11/27/00)

Dear Mr. Murphy:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Schedule A of your report (pertinent portion(s) attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. 2 U.S.C. §441a(f) and 11 CFR §110.1(d) preclude a committee and its affiliates from receiving contributions from another political committee or person in excess of \$5,000 per calendar year.

If the contribution(s) in question was incompletely or incorrectly disclosed, you should amend your original report with the clarifying information. If the contribution(s) you received exceeded the limits, you must seek reattribution of the contribution pursuant to 11 CFR §110.1(k), transfer-out the amount in excess of \$5,000 to an account not used to influence federal elections or refund the excessive amount to the donor(s) in accordance with 11 CFR §103.3(b). In the best interest of your committee, all reattributions, transfers-out, and refunds should be made within sixty days of the treasurer's receipt of the contribution(s). In order to protect the donor's interests, the Commission recommends that you inform the contributor(s) in writing to provide the donor(s) with the option of granting written authorization for a reattribution or transfer-out to another account or receiving a refund.

DEMOCRATIC STATE COMMITTEE DELAWARE PAGE 2

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of your check for the transfer-out or refund. In addition, any reattributions should be reported as memo entries on Schedule A of the report covering the period during which the authorization for the reattribution is received. Any transfers-out or refunds should be disclosed on Schedule B supporting Line 22 or 28 of the report during which the transaction was made.

Although the Commission may take further legal action regarding the acceptance of an excessive contribution(s), prompt action by your committee to seek reattribution, transfer-out or refund the excessive amount will be taken into consideration.

Schedule B supporting Line 22 (pertinent portion(s) attached) discloses \$105,065.19 in disbursements to Democratic State Committee Non-Federal Account for "Refund". You are advised that 11 CFR §102.5 prohibits a non-federal account from financing activity in connection with federal elections. Please provide clarifying information regarding these transactions including the date(s) when the original activity was conducted by the non-federal account. In addition, if any of the disbursements disclosed on Schedule B supporting Line 22 were made to influence the election or defeat of specific federal candidates, the disbursements should be allocated accordingly and disclosed as either in-kind contributions on Schedule B supporting Line 23, or as coordinated expenditures on Schedule F supporting Line 25. 11 CFR §§104.3(b)(3) and 106.1

Although the Commission may initiate legal action regarding the activities conducted by your non-federal account, any clarifying information that you can provide will be taken into consideration.

-Schedule B supporting Line 22 discloses a refund made to your non-federal account; however, it appears that the receipt of this contribution has not been reported by your committee. Please provide the original date of receipt of the contribution. In addition, you must amend the report covering the period during which the contribution was received to disclose the receipt on Schedule A supporting the appropriate line of the Detailed Summary Page. 11 CFR §103.3(b)(1)

-Schedule H4 discloses a disbursement(s) which is categorized as a

fundraising expense(s); however, a Schedule H2 has not been filed to disclose the allocation ratio. All committees are required to allocate the direct costs of each fundraising event in which the committee collects both federal and non-federal funds. The costs are allocated according to the funds received ratio and reported on Schedule H2. 11 CFR §§106.5(f) and 106.6(d). Please file a Schedule H2 to disclose the ratio for the fundraising event(s).

-Schedule H4 discloses a disbursement(s) which is categorized as an exempt expense(s); however, a Schedule H2 has not been filed to disclose the allocation ratio. All committees are required to allocate the direct costs of each exempt activity in which the committee disburses funds for both federal and non-federal purposes. The costs are allocated according to the time and space method and reported on Schedule H2. 11 CFR §106.5(e). Please file a Schedule H2 to disclose the ratio for the exempt activity.

-Itemized disbursements must include a brief statement or description of why the disbursements were made. Please amend Schedule(s) H4 of your report to clarify the following description(s): "Consultant", "Consultants", "GOTV", and "Contractor". For further guidance regarding acceptable purposes of disbursements, please refer to 11 CFR §104.3(b)(3).

-Please clarify all expenditures for "voter registration" and "get-out-the-vote". In addition, if any of the voter registration or get-out-the-vote activities referenced House or Senate candidates, they should be allocated accordingly, unless merely incidental to the overall activity. If a portion or all of these expenditures were made on behalf of federal candidates, they should be reported on Schedules B, E or F for Lines 23, 24 or 25 of the Detailed Summary Page, as appropriate.

-You have made disbursements for "Advertising" which you have characterized as exempt activities. In order for an activity to be classified as exempt, it must meet the following conditions: (1) For slate cards and sample ballots: it names at least three candidates running for election to any public office, it is not distributed through public political advertising (including broadcast media, newspapers, magazines, and billboards), the content is limited to the identification of each candidate, the office or position currently held, the office sought and party affiliation, and the costs allocable to federal candidates are paid with permissible funds; (2) For

campaign materials: the activity is conducted on behalf of the party's nominees in the general election, the materials are distributed by volunteers--not through public political advertising, the party committee does not use materials purchased by the national party committee or money transferred from the national committee to purchase materials, the party committee does not use funds designated for a particular federal candidate, a payment from a non-federal campaign to help pay for the materials does not exceed its allocated share of the expenses, and the costs allocable to federal candidates are paid with permissible funds; (3) For voter drives: the activity is on behalf of the party's Presidential and Vice Presidential nominees, the activity does not involve the use of public political advertising such as television, radio, newspapers, magazines, billboards or direct mail, phone banks are operated by volunteers (although paid professionals may design the system, develop calling instructions and train supervisors), the party committee does not use funds transferred by the national party committee for voter drive activities, the party committee does not use funds designated for a particular federal candidate, and the cost allocable to federal candidates are paid with permissible funds.

if the activity disclosed on your report does not meet the definition of "exempt" activity as described above, and if any portion of the expenditures were made on behalf of specifically identified candidates, this amount must be disclosed on Schedule B or F supporting Line 23 or 25 of the Detailed Summary Page as appropriate. Please provide the Commission with a more detailed explanation of these activities.

-Please clarify all expenditures made for "Advertising" on Schedule(s) H4. If a portion or all of these expenditures were made on behalf of specifically identified federal candidates, this amount should be disclosed on Schedules B, E, or F supporting Lines 23, 24 or 25 and include the amount, name, address and office sought by each candidate. 11 CFR §§104.3(b) and 106.1

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530 (at the prompt press 1, then press 2 to reach the Reports Analysis Division). My local number is (202) 694-1130.

Sincerely, Eich W. Joeppen

Erik W. Koeppen Reports Analyst

Reports Analysis Division

SCHEDULE A

ITEMIZED RECEIPTS

Use Separate echeckin(s) for each pategory of the Distalled Summary Page FOR LINE NUMBER

Contributions from PACS

Detailed Summary Page 11c 1

Any information cooled from such Reports and Statements may not based to used by any partern for the purpose of adiabiling contributions or for commercial purposes, other

AME OF COMMITTEE (in Full) Democratic State Co. Full mane, Mailing Address and ZIP Code beet Metal Workers Local 19	Hame of Employer	Data (mostle, day, year)	Amount of Each Receipt This Period
301 S Columbus Blvd			\$5,000.00
hiladelphia, PA 19147	Occupation	10/31/2000	\$2,000.00
Receipt for: Primary General Other (specify)	Aggregate Year-to-Outs	\$5,000.00	
Full Name, Mailing Address and ZIP code	Name of Employer	Date dworth, day, year)	Amount of Each Receipt This Pedial
SEW COPE 126 15th St, NW			\$5,000.00
Vashington, DC 20005	Occupation	10/31/2000	
Record for: Primary Gameta	Aggregate Year-te-Cate	\$5,000,00	
Other (specify). Full name, Mailing Address and ZP code	Name of Employee	Date (month,	Amount of Each
omm on Letter Carriers Pol. Educ. 00 Indiana Ave NW		dey, year)	Receipt This Fedor \$5,000.00
Vashington, DC 20036	Occupation	10/26/2000	43,000.00
Recorpt for: Primary General			
Other (specify)	Aggregate Year-to-Date Hame of Employee	\$5,000.00 Data (month.	Amount of Each
Full name, Mailing Address and ZIP code JAW V CAP 600 E. Jeffesron Dr	HT MO 44 Explosive	day, your	Receipt This Pedal
Detriot, Mil 48214	Occupation	11/06/2000	\$5,000.0
Receipt for: Primary General			
General General General	Aggregate Year-to-Deto	\$5,000.00	
Full name, Railing Address and ZIP code Mason Tenders District Council of Greater 12 W. 18th St, 7th Fl	Name of Employer	Deb (see B. day, year)	Ampoint of Each Receipt This Period \$5,000.0
New York, NY 10011	Occupation	11/03/2000	25,000.0
Bacalyt for: Primary Genetal			
Other (s persity)	Aggregate Year-to-Date	25,000.00	
F. Full same, Mailing Address and ZIP code New Jersey State Laborer's PAC	Name of Employer	Date (month, day, year)	Receipt Tale Period
104 Interchange Pl. Ste 301 Cranbury, NJ 08512			\$5,000.0
· ·	Occupation .	11/03/2000	
Receipt for: Primary General Other (specify)	Aggregate Year-to-Date	\$5,000.00	<u> </u>
G. Full name, Mailing Address and ZP code UFCW Intl Union	Here of Employee	De to (manth, day, year)	Amount of Each Receipt Tida Peded
1775 K St NW		1	\$5,000.
Washington, DC 20006	Occupation	10/31/2000	
Receipt for: Primary General Other (specify)	Aggregate Year to Date	\$5,000,00	

SCHEDULE A

ITEMIZED RECEIPTS

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Contributions from PACS Detailed Summary Page 1

Any information copied from such Reports and Statements may not be so than using the name and existess of any political committee to solicit con-	atdor used by any passon for the purpose about one from such committee.	pi sakailing contributions or to	commercial purposes, other
NAME OF COMMITTEE (in Full) Democratic State Com	mittee (Delaware)		
A. Full name, Mailing Address and ZP code Dairaler Chrysler Political Support Committ. PO Box 6040	Name of Employer	Gata (month. day, year)	Amount of Each Receipt Title Period \$1,500.00
Newark, DE 19714	Gecupation	05/23/2000	4-1
Receipt for: Primary A Beneral	Aggregate Year-to-Date	\$),500.00	
D. Self style Mailing & Afrees and ZIP code	Hama of Employer	Cale (month, day, year)	Appausion Each Receipt Tide Pasion
Advanta Corporation Employees PAC PO Box 15170	-		\$1,500.00
Wilmington, DE 19850	Occupation	05/23/2000	•
Becs pt for: Primary X Guinta	Aggregate Year to Cate	\$1,500,00	
Other (specify)	Name of Employer	Date (mouth,	Amount of Each Receipt This Pedad
C. Full name, Mailing Address and ZIP code The NEA Fund For Children & Public Educ 1201 16th Street		day, year)	\$5,000.00
Washington, DC 20036	Occupation	05/15/2000	
Resorbt for: Primary X General Other (a pacify)	Aggregate Tear-to-Date	\$5,000.00	
D. Fall nating, Mailling Address and ZIP code	its me of Employee	Data (mecits, day, year)	Amount of Each Resulpt This Paried
1 1BE WC.O.P.E. 1125 15th Street, NW			\$5,000.00
Washington, DC 20005	Occupation	04/06/2000	
Receipt for: Primary General	Aggregate Year-to-Date	\$5,000.00	
E. Fell name, Mailing Address and ZIP code	Rame of Employer	Date (month, day, year)	Amount of Each Receipt Title Period
Denoted Inc. Primary Quarter	Occupation		
Recapt for: Primary General Other (specify)	Aggregate Year-to-Date		
F. Foll name, MaRing Address and ZIP code	Mame of Employee	Date (month, day, year)	Amount of Each Receipt This Feriod
	Occupation.		
Receipt for: Primary General	Aggregata Year-to-Date		
G. Full came, Mailing Address and SIP code	Manue of Exployer	On to (months, day, year)	Amount of Each Receipt This Pedical
	Occupation		
Receipt for: Primary General			4
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SUBTOTAL of Receipts This page (Optional)	nu		\$13,000.00
TOTAL This Period (test page this line number only)			

SCHEDULE A

Contributions from Individuals/Corporations

ITEMIZED RECEIPTS

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FOR LINE NUMBER 11ai

Any Information copied from such Reports and Statements may not be so than using the name and addless of any political committee to solicit conf	eld or used by any person for the surpose of inbulions from such committee.	ecicing contributions or br	commercial purposes, other
NAME OF COMMITTEE (in Pull) Democratic State Comm	mittee (Delaware)		
A. Full name, Mailing Address and ZIP code Bayard, Richard H. 9 Red Oak Rd Wilmington, DE 19806	Name of Employer Hayard Firm Occupation	Data (mesth, day, year)	Amount of Each Secupt This Period \$250.00
Receipt for Primary General	Attorney	10/19/2000	
Receipt for: Primary General Other (specify)	Aggregate Year-to-Data	\$350,00	
8. Fall name, Natting Address and ZIP code Malone, Paula 3 Red Oak Rd	Batte of Employer Wings Foundation	Outs (month, day, year)	Amount of Each Receipt This Period \$250.00
Wilmington, DE 19806 Recapt for: Prinary General	Quespation Doctor	11/14/2000	
Other # peelity)	Aggregate Yeards-Data	\$250.00	1
C. Full name, Halling Address and ZP code Caspersen, Finn M.W. PO Box 617 Cleristone, NJ 07934	Hams of Employer Knickerbooker Financial	Date (mustis, day, year)	Agrams of Each Resempt This Period \$1,000.00
Receipt for: Primary General .	Occupation Executive	10/25/2000	
Other (specify)	Aggregate Year-to-Date	\$1,000.00 Date (morth,	Amount of Ecob
O. Full name, Balling Address and ZP code Brandti, Ir., William A., 2000 S. Bayshere Dr., Villa 39 Coconut Grove, FL 33133	·	10/24/2000	Receipt This Parison \$3,000.00
	Occupation -	10324/2000	
Recognition: Primary Georgi	Investor Aggregate Year-to-Date	\$3,000,00	•
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Dallas, TX 75225	Occupation Executive	10/31/2000	
Receipt for: Primary General	Aggregate Year-to-Date	\$1,000.00	
F. Fall name, Making Address and ZIP code Kilroy, Kevin 37 Springbrook Lat	Name of Employer Bluestone Software	Deto (menth, day, year)	Amount of Each Receipt This Peded \$6,000.00
Newark, DE 19711	Occupation CEO	11/01/2000	
Becarpt for: Primary General	Aggregate Year-to-Oute	\$6,000.00	•
G. Full name, NaiSag Address and ZIP code Cooper, Lawrence B. 1250 Lake Hearn Dr. Ste 650	Name of Employer Self	Date (month, day, year)	Amount of Each Receipt This Pariod
Atlanta, GA 30342	Occupation	11/16/2000	\$2,500.00
Receipt for: Princery General	Doctor Aggregate Year-to-Date	\$2,500,00	
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Transfers to Affiliated/Other Party Committees (27
Any information occided from such Reports and Statements may using the name and address of any political committee to solice	not be sold or used by any person for the purpose of contributions from such committee.	saldingconinbulians or for a	conmercial purposes, other then
NAME OF COMMITTEE (in Full) Democratic	State Committee (Delaware)		
FeB name, Builing Address and ZIP code Democratic State Committee Non-Federal Ac PO Box 2065	Purpose of Disburesment Refund	(tale (month, day, year)	Amount of Each Disburs smeat This Parted
Wilmington, DE 19899	Disbursement for: Primary Green	10/25/2000	546.20
E. Full name, Making Address and ZP code Democratic State Committee Non-Federal Ac	Purpose of Disburstnerst refund	Cate (menth. day, year)	Amount of Each Dispersionary This Partied
O Box 2065 Wilmington, DE 19899	Disjunction Printery Ground	10/25/2000	\$2,662.00
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Wilmington, DE 19899	Diphursement for: Primary General Other (specify)		,
). Full name, Malling Address and ZIP code Democratic State Committee Non-Federal Ac	Purpose of Disharasticat Refund	Orbi (month) day, year)	Amount of Each Disputs ensut Tale Period
O Box 2065 Wilmington, DE 19899	Other (upacity)	10/25/2000	\$740.99
L. Full name, Malling Address and ZIF code Democratic State Committee Non-Federal Ac	Perpose of Disputs execut Restant	Deta (month, day, year)	Amount of Each District operat This Period
PO Box 2065 Wilmington, DB 19899	Disbursament for Princery General Control (Specify)	11/01/2000	\$14,700.00
Full name, Mailing Address and ZIP code Democratic State Committee Non-Federal Ac	Purpose of Dichursomeral Refundi	(is to (month, day, year)	Amount of Each Makes among Tale Paried
PO Box 2065 Wilmington, DE 19899	Disjumization: Primary General	11/01/2000	\$86,762.00
G. Full name, Mailing Address and ZP code DNC-Pederal	Furpose of Distancement Rectund	Date (month day, year)	Amount of Each Olehumement This Partor
430 S. Capital St SE Washington, DC 20003	Disburcament for: Primary Gene	11/22/2000	\$6,300.00
H. Fall name, Mailley Address and 21P code	Purpose of Disbursement	Dain (month, day, year)	Appoint of Each District Section
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